

Message

From: Sivak, Michael [Sivak.Michael@epa.gov]
Sent: 7/17/2020 8:33:46 PM
To: Reilly, WilliamJ [Reilly.WilliamJ@epa.gov]; Smeraldi, Josh [Smeraldi.Josh@epa.gov]; Fischer, Douglas [Fischer.Douglas@epa.gov]
Subject: RE: email to PPG on FS

Agreed!

Michael Sivak

sivak.michael@epa.gov | 212.637.4310 (desk) | 646.438.5237 (cell)

From: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Sent: Friday, July 17, 2020 4:07 PM
To: Sivak, Michael <Sivak.Michael@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Fischer, Douglas <Fischer.Douglas@epa.gov>
Subject: FW: email to PPG on FS

*sorry, and to your main point – that is the easiest to answer, there is nothing hurried we are following schedule as the per the agreement and have bent over backward to help keep them in compliance with the schedule by at times picking up the slack for them.

From: Reilly, WilliamJ
Sent: Friday, July 17, 2020 4:02 PM
To: Sivak, Michael <Sivak.Michael@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Fischer, Douglas <Fischer.Douglas@epa.gov>
Subject: RE: email to PPG on FS

Attorney – Client
Attorney – Work Product
Privileged – Confidential

Ex. 5 AC/DP

From: Sivak, Michael <Sivak.Michael@epa.gov>
Sent: Friday, July 17, 2020 3:39 PM
To: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Fischer, Douglas <Fischer.Douglas@epa.gov>
Subject: RE: email to PPG on FS

Will: Thanks for the update on your conversation. I think it's really important that remain consistent in our position that EPA's conclusion that lead in groundwater near building 7 is a result of site activities is not influenced by the schedule – we are not rushing towards a ROD at the expense of an incomplete or hurried analysis of the data.

Michael Sivak

sivak.michael@epa.gov | 212.637.4310 (desk) | 646.438.5237 (cell)

From: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>

Sent: Friday, July 17, 2020 2:43 PM

To: Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Fischer, Douglas <Fischer.Douglas@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>

Subject: RE: email to PPG on FS

Attorney – Client

Attorney – Work Product

Privileged – Confidential

FYI — just got a call from Thomas Pierce regarding this. Basically was a curtesy call letting me know that they were thinking about invoking dispute resolution if we kept our position and how perhaps we were rushing things (but I told him the schedule had nothing to do with our position that was made clear in the cond. Approval ltr and mark up directions, etc.) Anyway, friendly enough call but I told him this is SEMD lead issue but I felt that what we had in the FS was necessary, etc. and he appreciated that and I said at this point it is really for SEMD and Woodward to communicate then if something is right for legal discussion (i.e. finalization of the FS) and PPG disagreed we could talk and he was fine with that). And he said he didn't anticipate reaching out before then – anyway so basically he teed up the issue for dispute or legal discussion next week....

From: Smeraldi, Josh <Smeraldi.Josh@epa.gov>

Sent: Friday, July 17, 2020 2:10 PM

To: Fischer, Douglas <Fischer.Douglas@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>

Subject: RE: email to PPG on FS

see attached for conditional approval letter

From: Fischer, Douglas <Fischer.Douglas@epa.gov>

Sent: Friday, July 17, 2020 2:05 PM

To: Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>

Subject: RE: email to PPG on FS

I just opened the message; just gimme a few mins to take a look - - -

Douglas Fischer

New Jersey Superfund Branch

Office of Regional Counsel

U.S. Environmental Protection Agency, Region 2

290 Broadway, 17th Floor

New York, NY 10007-1866

(212) 637-3180

From: Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Sent: Friday, July 17, 2020 2:04 PM
To: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>; Sivak, Michael <Sivak.Michael@epa.gov>
Cc: Fischer, Douglas <Fischer.Douglas@epa.gov>
Subject: RE: email to PPG on FS

Awesome. Thank you Everyone! I will pull together Michaels and Wills edits and send it off asap.

Thanks!

From: Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Sent: Friday, July 17, 2020 2:03 PM
To: Sivak, Michael <Sivak.Michael@epa.gov>; Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Cc: Fischer, Douglas <Fischer.Douglas@epa.gov>
Subject: RE: email to PPG on FS

Michael. This works, Ex. 5 AC/DP
Ex. 5 AC/DP If Doug is okay with this version then we can get it out to keep this moving. (Doug, again, sorry I know you are tied up on your last day before your vaca but I think this captures what we want to say here). Thanks, Will

From: Sivak, Michael <Sivak.Michael@epa.gov>
Sent: Friday, July 17, 2020 1:47 PM
To: Smeraldi, Josh <Smeraldi.Josh@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Subject: RE: email to PPG on FS

See my edits below. Will: What do you think? Ex. 5 AC/DP
Ex. 5 AC/DP

Michael Sivak

sivak.michael@epa.gov | 212.637.4310 (desk) | 646.438.5237 (cell)

From: Smeraldi, Josh <Smeraldi.Josh@epa.gov>
Sent: Friday, July 17, 2020 1:30 PM
To: Sivak, Michael <Sivak.Michael@epa.gov>; Reilly, WilliamJ <Reilly.WilliamJ@epa.gov>
Subject: email to PPG on FS

See below....

Ex. 5 AC/DP

Ex. 5 AC/DP

Ex. 5 AC/DP

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Josh Smeraldi, Ph.D. Env. Eng
EPA Region 2 Superfund and Emergency Management Division
212 637 4302